

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STEPHEN IDE et al.,

Plaintiffs,

-v-

BRITISH AIRWAYS PLC,

Defendant.

20-CV-3542 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

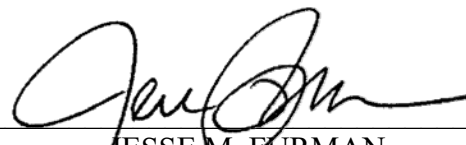
On August 26, 2021, Plaintiffs filed a letter motion seeking an informal conference to address a dispute concerning one paragraph of the parties' proposed ESI protocol. *See* ECF No. 69. Upon review of the parties' submissions, *see id.*; ECF No. 70, the Court concludes that there is no need for a conference, substantially for the reasons set forth in Plaintiffs' letter. The Court trusts and assumes that the parties will be able to reach agreement on most, if not all, relevant redactions — whether on a redaction-by-redaction basis or a category-by-category basis. If that turns out not to be true, the Court can always modify the terms of the protocol. Additionally, to the extent that a party believes that the other is withholding agreement unreasonably (whether in light of the dictates of GDPR or otherwise), that party may seek appropriate relief from the Court (in accordance with the procedures applicable to discovery disputes). In short, Plaintiffs have the better of the argument. That said, to formalize the foregoing, Paragraph 30 of the ESI Protocol shall be revised as follows (new text underlined and bolded):

The Producing Party shall not redact portions of produced documents solely on the ground that the material is not relevant or responsive without **either** the prior agreement of the parties, which agreement shall not be unreasonably withheld, **or leave of Court. A party may seek leave of Court in accordance with the procedures for discovery disputes set forth in the Court's Individual Rules and Practices in Civil Cases and in Paragraph 11 of the Case Management Plan and Scheduling Order. See ECF No. 59.**

The Clerk of Court is directed to terminate ECF No. 69.

SO ORDERED.

Dated: September 2, 2021
New York, New York


JESSE M. FURMAN
United States District Judge